



**City of Rochester**

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Monday, November 03, 2014

**VIA ECF AND REGULAR MAIL**

Hon. Charles J. Siragusa  
District Court Judge  
Western District of New York  
1360 U.S. Courthouse  
100 State Street  
Rochester, New York 14614

*Re; Javonnta Simmons v. City of Rochester et al; 6:12-cv-06705-CJS*

Your Honor,

I would like to sincerely apologize to the Court for my failure to appear at the recent Status Conference in this matter. I have been in communication with Mr. Bowman and have done a comprehensive case analysis for review by management for possible settlement purposes. On October 23, 2014 I suffered a complete rupture of my Achilles tendon, necessitating emergency treatment. Since that time I have been receiving regular treatment and have been out of work. I mistakenly believed this matter was shared on an office-wide calendar for coverage. I am embarrassed by this mistake and beg the Court's pardon.

Depositions have not been scheduled in this matter and written discovery is being exchanged. I am currently assessing the possibility of settlement with management. Defendant is sensitive Plaintiff's complaints, but the nature of actual damages remains unclear.

Again, I apologize to the Court. New protocols, policies, and support systems are in place to ensure this situation does not arise again. I take business before the Court very seriously, as does this office. Should Your Honor have any questions or concerns, please feel free to contact me.

Respectfully,

s/Spencer L. Ash

cc: Wynn L. Bowman, Esq.



